

AFFIDAVIT

I, David Frehulfer, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since May of 2016. I am currently assigned to the FBI’s Albany Division where I investigate all federal criminal violations. I have participated in multiple investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. I have received training in the area of child sexual exploitation and as part of my duties, have observed and reviewed numerous examples of child pornography in all forms of media including computer media.

PURPOSE

2. I make this Affidavit in support of a complaint charging PAUL EMERSON with knowing possession on or about October 25-27, 2021 of one or more matters which contain visual depictions that had been transported in interstate commerce and such depictions involve the use of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4).

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. The information contained in this affidavit is based upon my training, experience, investigation, and consultation with other members of law enforcement. Because this affidavit is being submitted for the limited

purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts which I believe are necessary to establish probable cause for the alleged offense. Where I have reported statements by others or from documents that I have reviewed, those statements are reported in substance and in part, unless otherwise indicated.

PROBABLE CAUSE

4. My affidavit of December 16, 2021 in support of a search warrant for 901 Seyon Pond Road, Groton, VT, is attached as Exhibit 1 and incorporated herein.

5. On December 16, 2021, I interviewed PAUL EMERSON upon his return to the 901 Seyon Pond Road residence. During the course of the interview, which I recorded, EMERSON made the following pertinent statements:

- a. EMERSON used Kik to receive child pornographic images for approximately six months.
- b. During the same time period, EMERSON also used Kik to send child pornographic images to other members of the Kik groups to which he belonged.
- c. The images of child pornography contained children as young as six years of age.

6. Additionally, I showed EMERSON screenshots of the Kik correspondence between user account, "davedoe277420", and an undercover employee of the FBI between October 25, 2021 and October 27, 2021. EMERSON confirmed that the "davedoe277420" username was his own. EMERSON was asked if he remembered the conversation with the FBI OCE, and he replied that he did. EMERSON was shown a partially redacted screenshot of a video embedded in the same conversation, which was sent by his Kik user account to the FBI

OCE. EMERSON responded that he believed the girl to be approximately six years of age and remembered sending the video, which depicts the following:

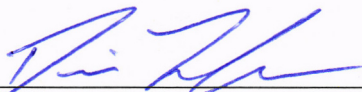
- a. A pre-pubescent female performs oral sex on an adult male in a bathtub.
- b. I have reviewed the video in full, which is approximately 9 seconds long. Based on a lack of pubic hair, breast development, and familiarity with known victims of child pornography production, it is my opinion that the female in the video described above was between 3 and 6 years of age.

7. Also on December 16, 2021, I was part of a team of law enforcement officers who executed the search warrant at 901 Seyon Pond Road, Groton, VT. During the course of the search, I seize numerous electronic devices, for which forensic examination is pending.

CONCLUSION

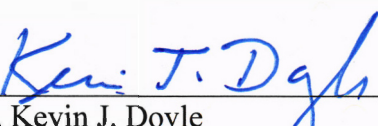
8. Based on the information above and in Exhibit 1, I submit that this affidavit supports probable cause for issuance of a complaint charging PAUL EMERSON with knowing possession on or about October 25-27, 2021 of one or more matters which contain visual depictions that had been transported in interstate commerce and such depictions involve the use of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4).

Dated at Burlington, in the District of Vermont, this 17 day of December 2021.



David Frehulfer
Special Agent, FBI

Sworn to and subscribed before me this 17th day of December 2021.



Hon. Kevin J. Doyle
United States Magistrate Judge